

Introduced March 7, 2011
Public hearing March 21, 2011
Council action April 4, 2011
Executive action April 8, 2011
Effective date June 8, 2011

County Council of Howard County, Maryland

2011 Legislative Session

Legislative day # 3

BILL NO. 6 - 2011

Introduced by: Greg Fox, Councilmember

Co-sponsored by: Courtney Watson, Councilmember

An Act amending the Howard County Code to require developers conducting pre-submission community meetings in accordance with Section 16.128 of the County Code to send a copy of the meeting's minutes and responses to certain questions to the meeting attendees within in a certain timeframe of the meeting; and generally relating to pre-submission community meetings.

Introduced and read first time March 7, 2011. Ordered posted and hearing scheduled.

By order Stephen M. LeGendre
Stephen M. LeGendre, Administrator to the County Council

Having been posted & notice of time & place of hearing and title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on March 21, 2011 and concluded on March 21, 2011.

By order Stephen M. LeGendre
Stephen M. LeGendre, Administrator to the County Council

This Bill was read the third time April 4, 2011 and Passed ✓. Passed with amendments ✓, Failed .

By order Stephen M. LeGendre
Stephen M. LeGendre, Administrator to the County Council

Sealed with the County Seal and presented to the County Executive for approval this 6th day of April, 2011 at 12:00 a.m./p.m.

By order Stephen M. LeGendre
Stephen M. LeGendre, Administrator to the County Council

Approved vetoed by the County Executive on April 8, 2011.

Ken Urban
Ken Urban, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law.
Strikeout indicates material deleted by amendment; Underlining indicates material added by amendment.

1 *Section 1. Be it enacted by the County Council of Howard County, Maryland, that the*
2 *Howard County Code is hereby amended to read as follows:*

3
4 *By amending Section 16.128 "Pre-submission Community Meetings; Exceptions."*

5
6
7 **Title 16. Planning, Zoning and Subdivisions and Land Development Regulations**

8 **Subtitle 1. Subdivision and Land Development Regulations**

9 **Article II. Design Standards and Requirements**

10
11 **Sec. 16.128. Pre-submission community meetings; exceptions.**

12
13 *Presubmission community meeting.* The following procedures are required for a
14 presubmission community meeting:

15
16 (a) The initial plan submittal shall be as defined in section 16.108 of this
17 subtitle.

18
19 (b) The meeting shall be:

20
21 (1) Held at a location within the community, in a public or
22 institutional building located within approximately five miles of the
23 subject property; and

24
25 (2) Scheduled to start between 6:00 p.m. and 8:00 p.m. on a weekday
26 evening, or to be held between 9:00 a.m. and 5:00 p.m. on a Saturday,
27 excluding all official County holidays and Rosh Hashanah, Yom
28 Kippur, Eid Ul Fitr, Eid Ul Adha, or Chinese New Year.

29 (c) The developer shall provide three weeks advance notice regarding the
30 date, time, and location of the presubmission community meeting to be held for
31 a development project as follows:

32
33 (1) Notice shall be sent by first class mail with delivery confirmation

1 notice to:

2
3 (i) All adjoining property owners identified in the records of
4 the State Department of Assessments and Taxation; and

5
6 (ii) Any community association that represents the geographic
7 area of the subject property or any adjoining properties; and

8
9 (2) Notice shall be sent electronically to:

10
11 (i) Any community association registered with the County to
12 be notified about projects in a certain geographic area;

13
14 (ii) The Howard County Council; and

15
16 (iii) The Department of Planning and Zoning, which shall
17 place the meeting notice on the department's web site.

18
19 The property involved shall be posted with the time, date and place of the
20 initial meeting. The sign shall include the address of Department of Planning
21 and Zoning's website. The property shall be posted for at least two weeks
22 immediately before the meeting. The poster shall be double-sided and at least
23 30 inches by 36 inches in size. The poster shall include a three digit
24 alphanumeric code, which would be used to identify the case. The
25 alphanumeric code shall be posted by the Department of Planning and Zoning
26 in at least five-inch lettering in the top left corner of the poster. The
27 Department of Planning and Zoning shall determine the number of posters
28 required and their location and the petitioner shall bear the expense of posting.
29 The posters shall be erected perpendicular to the road which serves as the

1 mailing address of the subject property. The Department of Planning and
2 Zoning shall supply the posters. The petitioner shall properly erect and
3 maintain the posters.
4

5 (d) The presubmission community meeting is for the developer to provide
6 information to the community regarding the proposed development and to
7 allow community residents to ask questions and make comments. While the
8 developer is encouraged to work with the community to achieve a mutually
9 acceptable solution to any concerns, unless a change is required by this subtitle
10 or the zoning regulations, the developer is not required to change the proposed
11 development in response to comments made at the presubmission community
12 meeting.
13

14 (E) THE DEVELOPER SHALL DISTRIBUTE AT THE PRESUBMISSION COMMUNITY
15 MEETING A SUMMARY OF THE COUNTY'S SUBDIVISION AND DEVELOPMENT
16 REVIEW PROCESS PREPARED BY THE DEPARTMENT OF PLANNING AND ZONING.
17

18 ([[e]]F) [[The developer]] DEVELOPERS shall maintain a record of the names,
19 addresses and[, if available,] electronic mail addresses, IF AVAILABLE for all
20 attendees to the presubmission community meetings, and shall compile~~[[, TO~~
21 ~~THE BEST OF THEIR ABILITIES,]]~~ comprehensive minutes of these meetings
22 WHICH INCLUDE A WRITTEN RESPONSE TO ALL QUESTIONS NOT VERBALLY
23 ANSWERED AT THE MEETING. THE MINUTES SHALL BE SENT TO ALL MEETING
24 ATTENDEES WITHIN 60 DAYS OF THE MEETING EITHER ELECTRONICALLY OR BY
25 FIRST CLASS MAIL. [[The developer shall prepare a written response to all of the
26 major comments recorded in the minutes. The developer shall send a copy of
27 the minutes and written responses to the meeting attendees and the department
28 of planning and zoning either electronically or by first class mail.]]
29

1 (G) ~~[[Also, certification]]~~ CERTIFICATION BY THE DEVELOPER that the meeting
2 notices AND MINUTES, WHICH INCLUDE WRITTEN RESPONSES TO QUESTIONS NOT
3 ANSWERED VERBALLY AT THE MEETING, were ~~[[mailed and]]~~ SENT, TOGETHER
4 WITH ATTENDEES' contact information, ~~[[for the attendees]]~~ shall be transmitted
5 to the Department of Planning and Zoning when initial plans are filed and shall
6 become part of the official record.

7
8 (H) ANOTHER PRESUBMISSION COMMUNITY MEETING MAY BE REQUIRED, AT THE
9 DISCRETION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING,
10 IF THE DEVELOPER FAILS TO COMPLY WITH THE REQUIREMENTS IN (F) ABOVE, OR
11 ~~FINAL~~ PLANS ARE SUBMITTED THAT ARE SIGNIFICANTLY DIFFERENT FROM WHAT
12 WAS PRESENTED AT THE PRESUBMISSION COMMUNITY MEETING, UNLESS THE
13 CHANGES ARE IN RESPONSE TO COMMUNITY INPUT.

14
15 ~~([[f]]~~ I) Citizens may request a meeting with a staff member of the
16 Department of Planning and Zoning to review the development proposal after
17 the initial plan has been formally submitted to the department.

18
19 ~~([[g]]~~ J) If the developer does not submit plans to the Department of Planning
20 and Zoning within one year of the presubmission community meeting, another
21 presubmission community meeting and notification in accordance with this
22 section shall be required.

23
24
25
26 ***Section 2. Be it further enacted by the County Council of Howard County, Maryland, that***
27 ***this Act shall become effective 61 days after its enactment.***
28
29

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on April 8, 2011.

Stephen M. LeGendre
Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on _____, 2011.

Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on _____, 2011.

Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on _____, 2011.

Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on _____, 2011.

Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on _____, 2011.

Stephen M. LeGendre, Administrator to the County Council

Amendment to Council Bill No. 6-2011

BY: The Chair

Legislative Day No: 4
Date: April 4, 2011

Amendment No. 1

(This amendment would correct a drafting error).

On page 3, in lines 20 and 21, strike "[[, TO THE BEST OF THEIR ABILITIES,]]".

ADOPTED April 4, 2011

FAILED _____

SIGNATURE Stephen M. Szyndler

Amendment to Council Bill No. 6-2011

BY: Courtney Watson
Greg Fox

Legislative Day No: 4
Date: April 4, 2011

Amendment No. 2

(This amendment would specify that DPZ has the discretion to send a developer back for second presubmission meeting if subsequent plans are significantly different).

On page 4, in line 11, strike "FINAL".

ADOPTED April 4, 2011
FAILED _____
SIGNATURE Stephen M. Blenke

1 mailing address of the subject property. The Department of Planning and
2 Zoning shall supply the posters. The petitioner shall properly erect and
3 maintain the posters.
4

5 (d) *The presubmission community meeting is for the developer to provide*
6 *information to the community regarding the proposed development and to*
7 *allow community residents to ask questions and make comments. While the*
8 *developer is encouraged to work with the community to achieve a mutually*
9 *acceptable solution to any concerns, unless a change is required by this subtitle*
10 *or the zoning regulations, the developer is not required to change the proposed*
11 *development in response to comments made at the presubmission community*
12 *meeting.*
13

14 (E) THE DEVELOPER SHALL DISTRIBUTE AT THE PRESUBMISSION COMMUNITY
15 MEETING A SUMMARY OF THE COUNTY'S SUBDIVISION AND DEVELOPMENT
16 REVIEW PROCESS PREPARED BY THE DEPARTMENT OF PLANNING AND ZONING.
17

18 (((e))F) [[The developer]] DEVELOPERS shall maintain a record of the names,
19 addresses and[, if available,] electronic mail addresses, IF AVAILABLE for all
20 attendees to the presubmission community meetings, and shall compile[, TO
21 THE BEST OF THEIR ABILITIES,] comprehensive minutes of these meetings
22 WHICH INCLUDE A WRITTEN RESPONSE TO ALL QUESTIONS NOT VERBALLY
23 ANSWERED AT THE MEETING. THE MINUTES SHALL BE SENT TO ALL MEETING
24 ATTENDEES WITHIN 60 DAYS OF THE MEETING EITHER ELECTRONICALLY OR BY
25 FIRST CLASS MAIL. [[The developer shall prepare a written response to all of the
26 major comments recorded in the minutes. The developer shall send a copy of
27 the minutes and written responses to the meeting attendees and the department
28 of planning and zoning either electronically or by first class mail.]]
29

1 (G) ~~[[Also, certification]]~~ CERTIFICATION BY THE DEVELOPER that the meeting
2 notices AND MINUTES, WHICH INCLUDE WRITTEN RESPONSES TO QUESTIONS NOT
3 ANSWERED VERBALLY AT THE MEETING, were ~~[[mailed and]]~~ SENT, TOGETHER
4 WITH ATTENDEES' contact information, ~~[[for the attendees]]~~ shall be transmitted
5 to the Department of Planning and Zoning when initial plans are filed and shall
6 become part of the official record.

7
8 (H) ANOTHER PRESUBMISSION COMMUNITY MEETING MAY BE REQUIRED, AT THE
9 DISCRETION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING,
10 IF THE DEVELOPER FAILS TO COMPLY WITH THE REQUIREMENTS IN (F) ABOVE, OR
11 FINAL PLANS ARE SUBMITTED THAT ARE SIGNIFICANTLY DIFFERENT FROM WHAT
12 WAS PRESENTED AT THE PRESUBMISSION COMMUNITY MEETING, UNLESS THE
13 CHANGES ARE IN RESPONSE TO COMMUNITY INPUT.

14
15 ~~([[f]]~~ I) Citizens may request a meeting with a staff member of the
16 Department of Planning and Zoning to review the development proposal after
17 the initial plan has been formally submitted to the department.

18
19 ~~([[g]]~~ J) If the developer does not submit plans to the Department of Planning
20 and Zoning within one year of the presubmission community meeting, another
21 presubmission community meeting and notification in accordance with this
22 section shall be required.

23
24
25
26 ***Section 2. Be it further enacted by the County Council of Howard County, Maryland, that***
27 ***this Act shall become effective 61 days after its enactment.***